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5 UNITED STATES DISTRICT COURT
6 EASTERN DISTRICT OF WASHINGTON

7 STEPHEN KERR EUGSTER,

8 Plaintiff,

9 v.

10 PAULA C. LITTLEWOOD, Executive
11 Director of the WASHINGTON STATE
12 BAR ASSOCIATION in her official
13 capacity, and JUSTICES OF THE
14 WASHINGTON SUPREME COURT,
15 namely: MARY FAIRHURST, Chief
16 Justice, in her official capacity;
17 CHARLES JOHNSON, Justice, in his
18 official capacity; SHERYL GORDON
19 McCLOUD, Justice, in her official
capacity; CHARLES WIGGINS, Justice, in
his official capacity; STEVEN GONZÁLEZ,
Justice, in his official capacity; MARY YU,
Justice, in her official capacity; BARBARA
MADSEN, Justice, in her official
capacity; SUSAN OWENS, Justice, in
her official capacity; and, DEBRA
STEPHENS, Justice, in her official
capacity,

20 Defendants.

NO. 2:17-CV-0392-TOR

ORDER GRANTING
STIPULATED MOTION TO
WITHDRAW PENDING
MOTION TO DISMISS, TO
EXTEND TIME TO RESPOND
TO AMENDED COMPLAINT,
AND TO DISMISS
DEFENDANT THE
WASHINGTON STATE BAR
ASSOCIATION

1 BEFORE THE COURT are the parties' Stipulated Motion to Withdraw
2 Pending Motion to Dismiss, to Extend Time to Respond to Amended Complaint,
3 and to Dismiss Defendant the Washington State Bar Association (ECF No. 21) and
4 Stipulated Motion to Expedite (ECF No. 22). This matter was submitted for
5 consideration without oral argument. The Court has reviewed the record and files
6 herein, and is fully informed.

7 On November 25, 2017, Plaintiff Stephen Kerr Eugster, proceeding *pro se*,
8 filed this Complaint against Defendant Paula C. Littlewood and the Washington
9 State Bar Association ("WSBA"). ECF No. 1. Plaintiff is a licensed attorney and
10 member of the WSBA. *Id.* at 7. Plaintiff alleges violation of his constitutional
11 rights under 42 U.S.C. § 1983, and violation of procedural due process and his
12 fundamental rights due to compelled membership in the WSBA. *Id.* at 8–10.

13 On January 30, 2018, Defendants Littlewood and the WSBA filed a Motion
14 to Dismiss. ECF No. 8. On February 7, 2018, Plaintiff filed an Amended
15 Complaint, which removed the WSBA as a party and added each Justice of the
16 Washington State Supreme Court as Defendants. ECF No. 9. The Amended
17 Complaint also added and removed claims. *See id.*

18 In the instant motion, the parties jointly move to withdraw the pending
19 Motion to Dismiss, as the relevance of the arguments are affected by the Amended
20 Complaint. ECF No. 21 at 2. The parties further stipulate that Defendant

1 Littlewood should be allowed additional time to respond to the Amended
2 Complaint, agreeing that her response should be due by April 11, 2018. Lastly, the
3 parties stipulate that former Defendant WSBA should be formally dismissed from
4 this matter. *Id.*

5 The Court finds that Defendant Littlewood may withdraw her Motion to
6 Dismiss due to Plaintiff's Amended Complaint. Defendant Littlewood is ordered
7 to file a response to the Amended Complaint no later than April 11, 2018. The
8 Court dismisses Defendant Washington State Bar Association from this case.

9 **ACCORDINGLY, IT IS HEREBY ORDERED:**

10 1. Stipulated Motion to Withdraw Pending Motion to Dismiss, to Extend
11 Time to Respond to Amended Complaint, and to Dismiss Defendant the
12 Washington State Bar Association (ECF No. 21) is **GRANTED**.

13 2. Stipulated Motion to Expedite (ECF No. 22) is **GRANTED**.

14 3. The Clerk of Court shall terminate the Washington State Bar Association
15 from the docket as a Defendant in this case.

16 The District Court Executive is directed to enter this Order and furnish
17 copies to the parties.

18 **DATED** February 22, 2018.



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20 A handwritten signature in blue ink that reads "Thomas O. Rice".
THOMAS O. RICE
Chief United States District Judge